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ATTORNEYS FOR DEFENDANT

**IN THE THIRD JUDICIAL DISTRICT COURT  
SALT LAKE COUNTY, STATE OF UTAH**

C7 DATA CENTERS, INC., a Utah corporation,  Plaintiff,  v.  COINTERRA, INC., a Delaware corporation,  Defendant.	<b>NOTICE OF REMOVAL TO FEDERAL COURT</b>  Case No. 140908198 [State Court]  Civil No. 2:15-cv-00019-DN [Federal Court]
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PLEASE TAKE NOTICE that defendant CoinTerra, Inc. ("CoinTerra") filed a Notice of Removal for the above-captioned matter in the office of the Clerk of the United States District Court for the District of Utah. A copy, without attachments, is attached hereto as Exhibit A.

You are hereby advised that pursuant to 28 U.S.C. § 1446(d), the filing of the Notice of Removal with the Clerk of this Court, and the giving of notice to all adverse parties through this Notice of Removal to Federal Court, effects removal of the above-captioned matter to the United Stated District Court for the District of Utah, and this Court may proceed no further unless and until the case is remanded.

DATED this 9th day of January, 2015.

**MARSHALL OLSON & HULL, P.C.**

BY: /s/ Trevor C. Lang  
ERIK A. OLSON  
TREVOR C. LANG

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **NOTICE OF REMOVAL TO FEDERAL COURT** was filed this 9th day of January, 2015, via the Court's electronic system, which served all counsel of record.

/s/ Trevor C. Lang

# **EXHIBIT A**

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ATTORNEYS FOR DEFENDANT

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

C7 DATA CENTERS, INC., a Utah corporation,  Plaintiff,  v.  COINTERRA, INC., a Delaware corporation,  Defendant.	<b>NOTICE OF REMOVAL</b>    Civil No. 2:15-cv-00019-DN
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PLEASE TAKE NOTICE that defendant CoinTerra, Inc. (“CoinTerra”) hereby removes this action from the Third Judicial District Court, Salt Lake County, State of Utah, to the United States District Court, District of Utah, Central Division, in accordance with 28 U.S.C. §§ 1441 and 1446, and, in support thereof, states as follows:

### **FACTUAL BACKGROUND**

1. Plaintiff C7 Data Centers, Inc. (“C7”) commenced a civil action against CoinTerra in the Third Judicial District Court, Salt Lake County, State of Utah, Case No. 140908198, the Honorable Kate Toomey presiding (the “State Court Action”). C7’s complaint alleges that CoinTerra breached certain agreements between the parties. [See Complaint (Dec. 3, 2014) (attached as Ex. A).] CoinTerra denies any wrongdoing.

2. C7 filed its complaint on December 3, 2014. [See *id.*]

3. CoinTerra, via its counsel, accepted service of process of the complaint and summons on December 10, 2014. [See Acceptance of Service (Dec. 10, 2014) (attached as Ex. B).]

### **PAPERS FROM REMOVED ACTION**

4. In accordance with 28 U.S.C. § 1446(a), accompanying this Notice of Removal as Exhibits A through B are copies of all process, pleadings, and orders served upon CoinTerra in the State Court Action.

### **TIMELINESS OF REMOVAL**

5. As required by 28 U.S.C. § 1446(b)–(c), this Notice of Removal is being timely filed within thirty days after CoinTerra accepted service of the summons and complaint and within one year of C7’s commencement of the action.

### **CONSENT**

6. Pursuant to 28 U.S.C. § 1446(b)(2)(A), because CoinTerra is the only defendant in this action, no consent is required to remove this matter.

**DIVERSITY JURISDICTION**

7. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because C7 and CoinTerra are citizens of different states and the matter in controversy exceeds \$75,000, exclusive of interest and costs.

***Diversity of Citizenship***

8. C7 is a corporation incorporated under the laws of the State of Utah. [Complaint ¶ 1.]

9. CoinTerra is a corporation organized under the laws of the State of Delaware with its principal place of business located in Austin, Texas. [Complaint ¶ 2.]

10. The parties are citizens of different states.

***Amount in Controversy***

11. C7's complaint alleges that no less than \$5,394,113.92 is at issue. [Complaint 6 (prayer for relief).]

12. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs.

**NOTICE OF FILING OF REMOVAL**

13. In accordance with 28 U.S.C. § 1446(d), CoinTerra has filed a copy of this Notice of Removal with the Clerk of the Third Judicial District Court, Salt Lake County, State of Utah, to effect this removal.

### **CONCLUSION**

There is now—and there was at the time of commencement of this lawsuit—complete diversity of citizenship among the parties with an amount in controversy that exceeds the jurisdictional minimum. Consequently, this Court has original jurisdiction over the case pursuant to 28 U.S.C. § 1332, and the case falls within this Court’s removal jurisdiction pursuant to 28 U.S.C. § 1441.

**WHEREFORE**, CoinTerra hereby removes this action to this Court for all future proceedings and trial. CoinTerra reserves all rights, including defenses and objections, and the filing of this Notice of Removal is subject to, and without waiver of, any such defenses and objections.

DATED this 9th day of January, 2015.

**MARSHALL OLSON & HULL, P.C.**

BY: /s/ Trevor C. Lang  
ERIK A. OLSON  
TREVOR C. LANG

ATTORNEYS FOR DEFENDANT



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing **NOTICE OF REMOVAL** was filed this 9th day of January, 2015, via the Court's electronic system, which served all counsel of record, and was emailed and mailed via U.S. mail as follows:

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/s/ Trevor C. Lang